



ORIGINAL PAPER

The Applying of Law and the Control Exercised over the Public Administration by the People's Advocate

Alexandra Oanță (Nacu)*

Abstract

Along with the administrative procedure of hierarchically made appeal and the disputed claims procedure before the courts, the People's Advocate constitutes one of the juridical guarantees for the protection of the human rights in the Romanian law, and also a means for controlling the activity of the public administration. The area in which the People's Advocate Institution activates is rather extended, related to all the petitions against the infringement of physical persons' rights and freedoms, through documents or actions of the public administration, including the authorities of the special and local central public administration, the public institutions, and any other public services that are under the authority of the public administration authorities, and the autonomous departments. For an exhaustive depiction of the role played by the People's Advocate, when applying the law, there are important their attribution and the way in which they are exercised, according to the provisions of the Law no. 35/1997 on the organisation and functioning of the People's Advocate institution, the range of competence, the documents that they can elaborate and the character of these documents, along with the finality of their actions, in case they notice that the lodged complaint was well-grounded.

Keywords: *fundamental rights, administrative authority, People's Advocate, complaint/intimation, Constitutional Court*

* PhD candidate, University of Craiova, Faculty of Law and Social Sciences, Email: oanta.alexandra@yahoo.com

Introductory considerations

The replacing of the communist political regime with the democratic one, in December 1989, the transition towards a market economy, the abolish of the monopole of the state on the means of production and the mass media, the introduction of the political pluralism, the reformation of legislation and the implementation of a new institutional background for the exercising of power, led to “a new conception on the promotion and defending of the citizen’s rights and freedoms, along with the alignment of Romania to the international standards, on addressing the human rights and the form of government” (Avram, Radu, 2007: 296). The adopting of the Romanian Constitution in 1991, followed by the revision of it in 2003, equated with the constitutional consecration and guarantee of the entire assembly of the citizen’s fundamental rights and freedoms, included in the international documents. Thus, the human rights enjoyed “a global systemic vision and, in the same time, one integrated” (Avram, Radu, 2007: 297) into the new democratic spirit that embraced all the countries from the former communist bloc. Among the fundamental institutions of any democratic society, there is that of the People’s Advocate, an institution that, although stipulated in the Romanian Constitution since 1991, enjoyed a distinct regulation much later, though Law no. 35/1991, on the organisation and functioning of the People’s Advocate Institution. Later on, in order to establish the organizational structure of the institution, on the 29th of October 1997, it was approved by the Standing Bureau of the Senate, the Regulation for the organisation and the functioning of the People’s Advocate Institution. Although the legal background was provided, the lack of an adequate space for a good functioning of the institution only delayed the beginning of the activity done by the People’s Advocate, until January 1999.

The Attributions of the People’s Advocate

The law on addressing the organisation of the People’s Advocate institution establishes, in art. 2, that this is an autonomous public authority, independent as confronted to any other public authority, while in art. 1, there are provisioned the competences of the institution: “The People’s Advocate Institution is aimed at the defence of the citizens’ rights and freedoms in their relations with public authorities”. The area in which the People’s Advocate activates is a rather extended one, meaning that it encompasses the petitions against the infringement of human rights and the freedoms of the physical persons, through documents or actions done by the public authorities, including the authorities of the special and local central public administration, the public institutions, and any other public services that are under the authority of the public administration authorities, along with the autonomous departments. The People’s Advocate can exercise powers on his own initiative (*ex officio*) or upon the request of the wronged persons, or companies, as provided in Law no. 31/1990, the associations or other legal persons, and also without previous notice, by visiting the detention place, according to the law (Art. 14 section 1 from Law no. 35/1997 on the organisation and functioning of the People’s Advocate Institution).

In an authentic democracy, in which the main role played by the People’s Advocate is that to defend the physical persons’ rights and freedoms, in their relations with the public authorities, the independence of this institution is absolutely necessary, because there can occur difficult circumstances in which the public authorities can have

subjective interests, with a great political influence, way beyond the observing of the fundamental rights. For these reasons, in the area of the attributions conferred by the law to this institution, there is also the following up of the legal solution of applications received and to request the public administration authorities or civil servants concerned to put an end to the respective violation of civil rights and freedoms, to reinstate the petitioners in their rights and to redress the damages thus caused [Art. 13, section 1 lit. c) from Law no. 35/1997], the informing of the Constitutional Court on the non-constitutionality of the laws, before they are promulgated [Art. 13, section 1 lit. e)]; the possibility to immediately the Constitutional Court on the exception on non-constitutionality of laws and ordinances [Art. 13, section 1 lit. f)]; the possibility to inform the administrative court, under the provisions of the administrative law [Art. 13, section 1 lit. j)].

There can be noticed that, from the general character stipulated in art. 38 of the Constitution, there has been made the transition to the special character of this institution, such is the defending of the citizens' rights and freedoms, in their relations with the public authorities (Brânzan, 2001: 164-170), therefore, the petitions for the Court that do not encompass the relations between the citizens and the public authorities, cannot be the object of the People's Advocate institution. For example, the petitions that are related to litigations between the physical persons, between citizens and companies, between companies, working litigations, or between different organisations etc., cannot be verified by the People's Advocate. It must be evidenced that this is not possible due to the provisions of art. 2, section 2 from Law no. 35/1997, according to which the Advocate of the People shall be no substitute for other public authorities, being known that this type of litigations is solved by the judicial authorities. Moreover, as provisioned in the same article, the People's Advocate cannot carry out criminal charges, these being the field of the same departments of the criminal investigation from the Ministry of Internal Affairs or the Public Ministry, as accordingly. Nonetheless, as stipulated in art. 18 from the same law, in the cases in which the People's Advocate finds that the solution of an application lodged with him is under the Public Ministry jurisdiction, or is on the cause list of a court of law, or deals with some miscarriage of justice, he will refer that matter to the General Prosecutor or to the Superior Council of the Magistracy, in accordance with their respective jurisdiction, and must be duly informed by the latter of the conclusions reached and measures taken in that case. Thus, even if the People's Advocate cannot substitute the public authorities, according to art. 2, section 2 from the law, they have the possibility to inform the competent departments, which have the obligation to communicate their conclusions and the taken measures.

As regarding his attributions, extremely important is the provision from art. 25, section 2, of the law, which stipulates that whether, during the course of his inquiries, the People's Advocate finds gaps in legislation or serious cases of corruption or violations of the Country's laws, he will submit a report on his findings to the presidents of the two Chambers of Parliament or, as the case may be, to the Prime Minister. Even in these special circumstances, in which the People's Advocate cannot represent, according to art. 2, section 2, the attributions of the competent public authorities, for the solution of these facts, yet, he has the obligation to announce the presidents of the two Chambers of the Parliament or, as required, the Prime Minister.

As regarding the possibility for the People's Advocate to eliminate the exception of unconstitutionality, the Constitutional Court considered that the normative document (the fundamental law) that conferred him this attribute "does not contain a judicious

The Applying of Law and the Control Exercised over the Public Administration ...

solution that may represent a judicial constitutional norm, because the elimination of the exception by the People's Advocate, for the benefit of a person, cannot represent a real guarantee or a measure for the protection of the citizen, as long as that person, being implied into a trial and conducted by a legitimate interest, can exercise the procedural right to lift the exception before the court. Moreover, the Constitutional Court mentions that the People's Advocate cannot refer to a procedure that would legitimate his implication into a trial, before any court. As long as the citizens are guaranteed their free access to justice, along with the right to defence, this signifies that, in the judicial sphere, they can defend against the unconstitutional legal dispositions. Consequently, the People's Advocate would be given an attribution equally excessive and lacking consistence, that to eliminate the non-constitutional exception, outside a trial, in the name of the justice seeker. Likewise, the institution of the ombudsman, at the European level, is created as a public authority, whose attributions are related to the relations that people have with the public administration, not with the judicial courts. Subsequently, this attribute should be eliminated, among the constitutional dispositions" (Decision CC no. 148/2003). As it was fairly underlined in the doctrine, the Constitutional Court misunderstood the fact that it was a voluntary intervention in a determined trial, at a certain court, in reality the People's Advocate being able to introduce „a direct suit" in the legal constitutional department, at the Constitutional Court, "the exception" – as unanimously accepted – being a part of the suit, or the exclusive subject of it» (Deleanu, 2003: 483).

In the doctrine, there was considered that the implication of the ombudsman in raising the exception of unconstitutionality, cannot aim but the laws and ordinances that infringe the physical persons' rights and freedoms, which is not entirely in agreement with the purpose of the institution. Consequently, the People's Advocate cannot raise such an exception in the name of, and for the public authorities, political parties, syndicates, private employers, or other legal persons, but he can be given a notice by all of the previously mentioned; moreover, he cannot substitute any physical persons, who can solicit themselves, in their own name, and using the common judicial way, the control of constitutionality (Muraru, 2010).

In agreement with thee doctrines, the attribution of the People's Advocate were gradually enlarged, in the legislative area, thus, the revised Constitution from 2003 acknowledged the right of the ombudsman to give notice to the Constitutional Court on the constitutionality of the laws, before being promulgated [art. 146 letter a)], along with the possibility to raise the exception of unconstitutionality, directly before the Constitutional Court [art. 146 letter d) second thesis]. For the same purpose, art. 541 from the New Code of Civil Procedure (Law no. 134/2010), confers locus stand to the People's Advocate too, who can ask the High Court of Cassation and Justice to rule on the legal issues that have been resolved differently by the Courts. Obviously, as mentioned in the doctrine: «The People's Advocate can give notice to the Constitutional Court and the High Court of Cassation and Justice only on the regard of those laws and ordinance, such are the judgements that resolve differently a legal problem, connected to the observing of the physical person's rights and freedoms. Hence, it is obvious that it would be beyond the competence held by the People's Advocate, which is not related to the supervision of the constitutionality for each law, or ordinance, and the ensuring of a unitary judicial practice in any field. In other words, the People's Advocate does not represent the "midwife of the commune", a pawn politically commended by the authorities of the state, irrespective of Presidency, Government, or any other public authority, outside the constitutional and legal background» (Ciobanu, 2013).

The sphere of competence

As underlined in the specialised literature, the People's Advocate is an instrument that the Parliament uses to carry out the function of control, over the public administration (Drăganu, 1998: 344-350; Muraru, 2004: 10), thorough public administration being understood each authority and institution of the public administration, their subordinated structures, including the autonomous administrations. Thus, people whose interests were endangered due to an action of the public administration authorities and institutions, or by their employees, can give a notice to the People's Advocate. As resulting from the specialised literature, the notice has to be motivated exclusively by an infringement in the human rights; it is sufficient for the claimant "to justify the request from the legal point of view, or to mention point to point the infringed rights" (Balica, Radu, 2011: 27). An answer given to the citizen, after the expiring of the legal deadline, represents an infringement of the legal regulations, which can be the object of an intervention supported by the People's Advocate, while a delay in answering, even an unreasonable one, but until the deadline, cannot be a justified reason for an intervention of the Ombudsman (Balica, Radu, 2011: 27).

The instruments that the People's Advocate uses to exercise the function of control over the public administration are: the right to make his own investigations, to request the authorities of the public administration any information or documents necessary for the investigation, to hear and to take statements from the managers of the public administration authorities, and any clerk who can offer the necessary information for the solving of the petition, under the provisions of the law (Art. 22 section 1 from Law no. 35/1997), the right to make recommendations for the proper solving of the deficiency, and the repositioning of the person in the conjuncture previous to the violation, the possibility to notice the public authorities, with the higher rank, or the sub-prefect, in case of delay or refusal to act according to the recommendations (Art. 22 section 1 from Law no. 35/1997).

Another means that the People's Advocate can use, in the relation with the administrative departments, is the possibility that, in case he notices that the settlement of the complaint that he was given enter the jurisdiction of the judicial authority, he can address, if necessary, to the Minister of Justice, the Superior Council of Magistracy, the Public Ministry, or the President of the Court, who is obliged to communicate the taken measures (Art. 18 from Law no. 35/1997). Consequently, the ombudsman can even bring an action in court, in the name of the complainer, if he appreciates that this is the only way in which the prejudice, caused by the action or the lack of action of the administrative authority, can be repaired. We must underline that the relation between the People's Advocate and the public administration, although contains a component of controlling, is not a punitive one, but is a relation, partly of mediation between citizens and the public administration departments and, partly, of collaboration, the ombudsman being able to resort, in care or refusal or inadequate answer, to other administrative authorities to help the repairing of illegal actions (Balica, Radu, 2011: 28).

Although according to art. 1 from Law no. 35/1997 on the organisation and functioning of the People's Advocate institution, this institution has as main purpose the defending of the citizens' rights and freedoms, in their relations with the public authorities, in the sphere of competence not being all the relations between the citizens and the public authorities. Thus, in art. 15, section 2 and 4 from the same law, it is limited the sphere of

The Applying of Law and the Control Exercised over the Public Administration ...

competence of the institution, excluding the anonymous complaints that regard infringements of the stipulations on the human right, which are one year older than the date the person noticed the facts presented in the grievance, as much as the complaints that refer to certain public authorities.

Art. 15, section 2 provides that there cannot be taken into consideration the anonymous complaints or those directed against violations of civic rights, concerning events which are more than one year old than the date when the person concerned has had knowledge of the facts upon which such complaint is grounded. If the restriction can prove to be justified, in case of anonymous complaints, in case of petitions regarding the violations of the citizens' rights that are more than one year old, we consider the measure taken by the legislator too severe. **De lege ferenda** we consider that the text from art. 15, section 2, from Law no.35/1997 on the organisation and functioning of the People's Advocate Institution should be modified, offering the citizens the right to file, to the People's Advocate, complaints that concerning violations of the citizens' rights, three years after the person in case took knowledge of the actions mentioned in the complaint.

Moreover, art. 15, section 4 from Law no. 35/1997 stipulates that: "There cannot be subjected to the People's Advocate Institution, therefore it must be rejected without indicating a reason, any applications dealing with acts issued by the Chamber of Deputies, the Senate, or the Parliament, acts and actions of deputies and senators, the President of Romania, the Government, as well as of the Constitutional Court, the president of the Legislative Council, and the judicial authority, except for the laws and ordinances". There can be noticed that, from the general rule, instituted by art. 1 from Law no. 35/1997, through which the People's Advocate Institution has as main purpose the defending of the citizens' rights, in their relation with the public authorities, art. 15, section 4, stipulates the exception from this rule, taking out of the sphere of competence conferred to this institution, certain public authorities precisely and limitary determined, such as the Parliament with the two Chambers, the Senate and the Chamber of Deputies, the Government, the judicial authority and the Constitutional Court. The President of Romania and the President of the Legislative Council. The same section encompasses the exception from its provisions too, such are the laws and ordinances, from where there can be concluded that they can be the object of the People's Advocate Institution.

By analysing the text of art. 15, section 4, there can be observed that there are still subjected to the sphere of competence, owned by the People's Advocate, as also resulting from the text of art. 20, section 1, only the documents of the public administration authorities.

Furthermore, there must be mentioned that, under the provisions of art. 15, section 4, in case of the documents issued by the Constitutional Court, there are excepted from the People's Advocate sphere of competence only the complaints on addressing the documents that include its quality of constitutional jurisdiction authority (art. 1 from Law no. 47/1992 on the organisation and functioning of the Constitutional Court), such are the unconstitutional decisions made by the Constitutional Court. For these reasons, we consider that the documents, which have no such a character, can be subjected to the People's Advocate Institution – for example, the documents of dismissal from different positions. Even in the case of notice regarding the exception of unconstitutionality of laws and ordinances that refer to the physical persons' rights and freedoms, the Constitutional Court is obliged to solicit the point of view of the People's Advocate too (Art. 19 from Law no. 35/1997), which represents "an efficient means for accomplishing the function for the protection of the human rights" (Muraru, 2004: 88).

Alexandra Oanță (Nacu)

In the case of the judicial authority, there are also excepted from the sphere of competence held by the People's Advocate, only the documents that are issued in its quality of public authority, with jurisdictional authorities, with the mention that, according to the provisions of art. 18 from Law no 35/1997, in the case the People's Advocate remarks that the resolving of the complaint that he was given falls under the competence of the judicial authority, can address, as requested, to the Minister of Justice, the Superior Council of the Magistracy, the Public Ministry, or the president of the court, who is obliged to communicate the taken measures. Although, from the legal dispositions, it does not result that there is any relation between the People's Advocate and justice, nor that he is authorised to verify the applying of the law by the judicial power, as in other European states (Dacian, Neamțu, Balica, 2011: 63-69), we consider that, **de lege ferenda**, it should be regulated the possibility for the People's Advocate to defend the rights and the freedoms of the citizens, in their relations with the justice, a possibility through which there could be prevented and sanctioned the violations done by judges, against art. 6 of the European Convention on the protection of human rights and fundamental freedoms, according to which any person has the right to a rightful examination of their case, publically and reasonably, by an independent and impartial court, established by the law (Iancu, 2002: 118). Thus, there is no disposition in the Romanian legislation or Constitution that would forbid the People's Advocate to defend the citizens' rights and freedoms, in their relations with the justice, interdiction that is specifically provisioned in plenty constitutions from a lot of states, in one way or another (Jianu, 2013: 32-58).

On regard to the documents of the Legislative Council, there are exceptions only the documents and the actions of this department's president, not the other administrative documents issued by this council, the law referring precisely to "the president of the Legislative Council", the same stipulation being also made for the President of Romania.

As referring to the legislative power, owing to the fact that art. 15, section 4 from Law no 35/1997, stipulates that "there cannot be subjected to the People's Advocate Institution, therefore they must be rejected without indicating a reason any applications dealing with acts issued by the Chamber of Deputies, the Senate, or the Parliament", we consider that this refers only to the administrative acts, excepting those requested by the people with leading positions from the administrative apparatus of the Parliament, Chamber of the Deputies and the Senate, without the quality of deputy or senator, for example the dismissal decisions.

The same reasons are applied as regarding the documents issued by the Government, with the mention that, according to art. 107 from the Constitution, the acts of the Government are the judgements and the ordinances, the last being excluded expressly from art. 15, section 4 of Law no. 35/1997, from which it results that the ordinances and the rest of the documents issued by the Executive power, can be subjected to the People's Advocate Institution (Dinu, 2006: 65). In case of ordinances that contain unconstitutional provisions, the Advocate of the People can raise the exception of unconstitutionality before the Constitutional Court, this representing "the only form of direct control that the Ombudsman can exercise over the Executive power" (Balica, Radu, 2011: 26). A form of indirect control is the possibility to notice the Parliament in case of inappropriate action or in case the government does not take action, concerning the notice of the public administration on the prefect's performance, or of the other deconcentrated departments (Balica, Radu, 2011: 26).

Another important remark is addressed to art. 28 of Law no. 35/1995, which stipulates that the provisions of this law are also applied to the administrative documents

The Applying of Law and the Control Exercised over the Public Administration ...

of the autonomous departments, in this manner introducing in the sphere of competence owned by the People's Advocate, the petitions of the people on addressing the documents issued by the autonomous departments that, according to their legal status, cannot be considered public authorities, but commercial ones, profit-making organisations. Taking into consideration that the autonomous departments are administrated by the state, in fields that concern the national interest, the legislator considered necessary to be also included under the competence of the People's Advocate Institution, nevertheless referring strictly to the administrative documents issued by it.

The exercising of the attributions and the documents issued by the People's Advocate

For an exhaustive depiction on the role of this institution, in applying the law, it is extremely important to mention the finality of the actions undertaken by the People's Advocate, in case it is noticed that the complaint that he was given is grounded. Art. 21, section 1 from the Law no. 35/1997 stipulates that, in the exercise of his powers, the advocate of the people issues recommendations, and art. 2, section 1 stipulates the independence of the People's Advocate against any public authority, it results that his actions cannot be subjected to neither parliamentary, nor judicial control.

The recommendations formulated by the People's Advocate can contain the noticing of the public administration authorities on the illegality of administrative documents or actions (Art. 21 section 2 from Law no. 35/1997), or the notify of the public administration authority which has violated the petitioner's rights with the request to reform or revoke its own administrative act, to redress the damage thus caused and to reinstate that person to his/her former state (Art. 23 section 1 from Law no. 35/1997). The mandatory character, for the public authorities in case, of the recommendations issued by the People's Advocate, resorts from the provisions of art. 23, section 2, which stipulates that the public authorities shall take the necessary measures for to remove the illegality thus found, to redress damages and to remove the reasons that caused or furthered a violation of the aggrieved person's rights, while duly informing the advocate of the people thereof.

In case the public authorities do not observe the recommendations issued by the People's Advocate, it must be mentioned that he is entitled to sanctions or coercive measures, but, besides the notification of the hierarchically superior authorities, he can publish in mass media his conclusions, with the agreement of the person whose interests were infringed, and observing the provisions of art. 20 on the secret information and documents.

Hence, provided that the public administration authority or the public officer does not remove, 30 days after the complaint, the committed illegalities, the People's Advocate Institution notifies the hierarchically superior public administration authorities, which are obliged to communicate, in no more than 45 days, the taken measures. If the public authority or the public officer is employed by the local public administration, the People's Advocate Institution notifies the prefect.

According to art. 60 of the Constitution, the People's Advocate presents reports to the two Chambers of the Parliament, annually or on their request. The reports can contain recommendations on legislation or other type of measures, for the protection of the citizens' rights and freedoms (Emandi, Durlă, 2006: 75).

In order to relate the legal framework of the People's Advocate Institution to the European Ombudsman, Law no. 35/1997 on the organisation and functioning of the

People's Advocate institution, has undergone numerous modifications and additions that aim: the regulation of the Advocate of the People's right to notify the Constitutional Court to judge on the constitutionality of the laws, before being promulgated, the including of the People's Advocate right to raise directly, before the Constitutional Court, exceptions of unconstitutionality, the appointing of assistants, specialised on fields of activity, the election of the People's Advocate, in the common meeting of the Chamber of the Deputies and the Senate, for five years; the stipulation to communicate to the Constitutional Court his point of view, in the trials on addressing the human rights, the possibility to found field offices (14 so far, on the territory of the Courts of Appeal), the creation of a distinct authority for the supervision of the activity, for the protection of the personal information, the appointing of an assistant of the People's Advocate, specialised in the prevention of torture, or other punishments or cruel, inhuman or degrading treatments from prisons. These measures enforced the autonomy of the institution, perfecting its activity.

In **conclusion**, even if the People's Advocate, when exercising his attributions, does not substitute to the public authorities, nevertheless, he has at his disposal numerous means to make his own investigations, in order to resolve legally the complaints that he was given, although it is not necessary to be in the sphere of competence provisioned in the law on the organisation and the functioning of the institution.

The purpose of this institution and its actual efficiency, demonstrates that the decisions made by the People's Advocate cannot be founded on the coercive, sanctioning power, for the reason that the essence of his activity lies in dialogue, in the mediating and pacifist spirit, as more as, in a constitutional democracy, it is founded on the classical principle of the powers separation and equilibrium. The People's Advocate is, and has to remain, the authority that facilitates the accomplishing of this equilibrium, not only among the public powers, but between these and the society (Zlătescu, 2013: 96-98).

References:

- Avram C., Radu R. (2007). *Regimuri politice contemporane: Democrațiile*, Craiova: Aius Publishing House.
- Balica D., Radu B. (2011). Avocatul Poporului în România – concept, poziționare. In Dacian-C. D., Neamțu B. (coord.), *Instituția Ombudsmanului: justiție alternativă?*, Bucharest: C.H. Beck Publishing House.
- Brânzan C. (2001). *Avocatul poporului, o instituție la dispoziția cetățeanului*, Bucharest: Juridical Publishing House.
- Ciobanu V. M. (2013). Avocatul Poporului, Curtea Constituțională, Consiliul Superior al Magistraturii, Ministerul Justiției și Noul Cod de procedură civilă. *Revista Română de Drept Privat*, (6).
- Dacian-C. D., Neamțu B., Balica D. (2011). Ombudsmanul român și interacțiunea acestuia cu instanțele de judecată – o cercetare empirică. In Dacian-C. D., Neamțu B. (coord.), *Instituția Ombudsmanului: justiție alternativă?*, Bucharest: C.H. Beck Publishing House.
- Decision of the Constitutional Court (CC) no. 148/2003, published in the Official Gazette no. 317 from the 12th of May 2003.
- Deleanu I. (2003). *Instituții și proceduri constituționale – în dreptul comparat și în dreptul român – tratat*, Arad: Servo-Sat Publishing House.

The Applying of Law and the Control Exercised over the Public Administration ...

- Dinu E. (2006). Avocatul Poporului, o putere morală în echilibrul celor trei puteri în stat. In Nicu A. L. (coord.), *Avocatul Poporului, mijloc de control al cetățenilor asupra administrației publice*, Craiova: Universitaria Publishing House.
- Drăganu T. (1998). *Drept constituțional și instituții politice. Tratat elementar*, vol. I, Bucharest: Lumina Lex Publishing House.
- Emandi S., Durlă M. E. (2006). Avocatul Poporului – instrument de reglare socială într-un stat democratic. In Alina Livia Nicu (coord.), *Avocatul Poporului, mijloc de control al cetățenilor asupra administrației publice*, Craiova: Universitaria Publishing House.
- Government Emergency Ordinance no. 48/2014 for the modification and addition of Law no.35/1997 on the organisation and functioning of the People’s Advocate Institution, published in the Official Gazette, I, no. 485 from the 30th of June 2014.
- Iancu, G. (2002). Avocatul poporului și justiția. *Revista de Drept public*, (1), 109-125.
- Jianu, G. A. (2013). *Instituția ombudsmanului la nivel european*, Bucharest: The Romanian Institute for the Human Rights.
- Law no. 31/1990 on commercial companies, Law no. 31/1990, republished in the Official Gazette, Part I, no. 1066 from the 17th of November 2004.
- Law no. 35/1997 on the organisation and functioning of the People’s Advocate Institution, published in the Official Gazette no. 48 from the 20th of March 1997.
- Law no. 47/1992 on the organisation and functioning of the Constitutional Court, republished in the Official Gazette, Part I no. 807 from the 3rd of December 2010.
- Muraru I. (2004). *Avocatul Poporului – instituție de tip ombudsman*, Bucharest: All Beck Publishing House.
- Muraru I. (2010). Avocatul Poporului și controlul de constituționalitate. *Revista Română de Drept Privat*, (1). Retrieved from: www.idrept.ro.
- Regulation for the organisation and the functioning of the People's Advocate Institution, published in the Official Gazette, I, no. 347 from the 9th of December 1997.
- Zlătescu I. M. (2013). *Constitutional Law in Romania*, London: Kluwer.

Article Info

Received: March 12 2016

Accepted: April 2 2016
